

Appl. No. 09/515,768  
Amdt. Dated December 30, 2003  
Reply to Office action of September 2, 2003  
Attorney Docket No. P11150-US1  
EUS/J/P/03-9026

### **REMARKS/ARGUMENTS**

#### **1.) Amendments**

The Applicants have amended Claims 1, 5, 9, 14, 15, 27 and 30 to more particularly point out and distinctly claim the subject matter regarded as the invention. Claims 2, 4, 16 and 17 have been cancelled. Accordingly, Claims 1, 3, 5-15, and 18-31 remain pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

#### **2.) Claim Objections**

The Examiner objected to Claim 1 because of the informality of a typographical error. The Applicants have amended Claim 1 to correct the error.

#### **3.) Claim Rejections – 35 U.S.C. §112**

The Examiner rejected Claims 1-31 as being indefinite. The Examiner made specific rejections with respect to Claims 1, 5, 9, 14, 15, 27 and 30, and general rejections of the claims dependent therefrom. The Applicants have amended Claims 1, 5, 9, 14, 15, 27 and 30 to more particularly point out and distinctly claim the subject matter regarded as the invention. The amendments to the claims address each of the Examiner's specific rejections and, in view of the Applicant's Detailed Disclosure, the claims distinctly claim the subject matter that Applicants regard as the invention.

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#### 4.) Claim Rejections – 35 U.S.C. §102(e)

The Examiner rejected Claims 1-21 as being anticipated by United States Patent No. 6,434,140, issued to Barany, *et al.* Whereas Barany fails to disclose each and every limitation of those claims, the Applicants traverse the rejection.

Claim 1 has been amended to include the limitations of claims 2 and 4, and now recites:

1. Communication network having a packet switched protocol based cellular telephone network comprising a first layer for transferring signalling information assigned to a telephone call being processed by the communication network, a second layer for transferring payload information assigned to the telephone call and interface means for coupling the cellular telephone network to a further network, the interface means comprising signalling information exchange function between the cellular telephone network and the further network and payload information exchange function between the cellular telephone network and the further network, the first layer and the second layer of the cellular telephone network being coupled to the interface means, wherein the second layer of the cellular telephone network transfers the payload information of the telephone call to and from the interface means on a direct route assigned to the telephone call, wherein the first layer of the cellular telephone network comprises at least one mobile services switching center being coupled to the interface means, and wherein the second layer of the cellular telephone network comprises a number of base transceiver stations, each base transceiver station handling the radio link protocol functions to mobile stations within a cell area assigned to the respective base transceiver station and wherein the base transceiver station being directly connected to the interface means for payload information exchange within the second layer. (emphasis added)

Barany describes how interworking can be provided for voice services between the classical circuit switched (CS) domain (e.g., a Mobile Switching Center (see MSC 203 in figure 2)) and a packet-switched (PS) domain (e.g., see GPRS-136 Network 206 in Figure 2). This is done by sending the CS call, including payload and signaling, from the CS domain over an IP interface (Gs') to the PS domain (GPRS-136). Thus, Barany

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discloses two networks - CS (203/204) and PS (GPRS-136) - and not two layers for payload and signaling within one PS-CS network. In Barany, a voice call is routed via CS and a data call via PS, whereby a call consists of payload and signaling information. Therefore, considering the two networks, it is to say that payload and signaling information goes either via CS (col 4, lines 21-31) or PS (col. 4, lines 32-42) domain.

Considering only the CS domain, a voice call is split into payload (see column 4, and figures 2 and 4 feature T1 and IMT) and signaling (see column 4, and figures 2 and 4 feature A and ISUP) information. They are connected in the interface (413 and Gs' IP), which is not connected to a further network but only to the PS domain within the PS-CS network. However, the path for signaling and the payload in Barany are the same and the payload information is not sent on the direct way from the base station to the interface.

To summarize, Barany does not disclose a system in which signalling and payload information of a call have different paths in a packet-based cellular system. Thus, the limitations "... a first layer for transferring signalling information assigned to a telephone call ..., a second layer for transferring payload information assigned to the telephone call..." is not disclosed, and claim 1 is not therefore not anticipated, by Barany.

Whereas independent claim 14 includes limitations analogous to those of claim 1, Barany also fails to anticipate that claim. Moreover, whereas claims 2 and 5-13 are dependent from claim 1, and claims 15 and 18-21 are dependent from claim 14, and include the limitations of their respective base claims, those claims are also not

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anticipated by Barany. The Applicants, therefore, respectfully traverse the rejection of claims 1, 3, 5-15, and 18-21 as being anticipated by Barany.

**5.) Claim Rejections – 35 U.S.C. §103 (a)**

The Examiner rejected claims 22-31 as being unpatentable over Barany in view of Alperovich, *et al.* (US 5,940,763). The Applicants traverse the rejection.

As described *supra*, Barany fails to anticipate claim 14, from which claims 22-31 are dependent. Alperovich also fails to overcome the deficiencies of Barany to teach each and every limitation of claim 14. Therefore, whereas claims 22-31 are dependent from claim 14, and include the limitations thereof, those claims are also not obvious over Barany in view of Alperovich.

\* \* \*

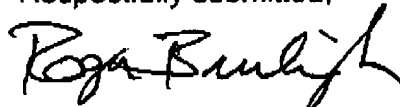
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### CONCLUSION

In view of the foregoing amendments and remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for Claims 1, 3, 5-15, and 18-31.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



Roger S. Burleigh  
Registration No. 40,542  
Ericsson Patent Counsel

Ericsson Inc.  
6300 Legacy Drive  
M/S EVW 2-C-2  
Plano, TX 75024  
Phone: 972-583-5799  
Fax: 972-583-7864  
roger.burleigh@ericsson.com